Remarks

The Applicants acknowledge the objection to the Specification and have amended page 3 at line 31 in accordance with the Examiner's helpful suggestion to recite that the doll's garment has a molded shape to fit over, in a life-like way, external surfaces of at least a portion of a doll that has articulable limbs. With respect to proper antecedent basis concerning the average modulus of elasticity, the Applicants respectfully submit that all three of the suggested moduli are already present in the Specification. The Applicants invite the Examiner's attention to page 2 at lines 5 and 7 for the 100% modulus of elasticity between 240 and 280. The 300% modulus between 440 and 490 may be found at page 2, lines 8 – 9. Finally, the 100% modulus of elasticity between 120 and 350 may be found at page 2, lines 5 – 6. Withdrawal of the objection to the Specification is respectfully requested.

The Applicants acknowledge the 35 U.S.C. §112, first paragraph rejection with respect to it not being clear from the Specification what the Applicants refer to as 100% or 300% modulus of elasticity. The Applicants respectfully submit that these terms are well known in the art to those of ordinary skill in the art and it therefore is unnecessary to provide detailed explanations as to what is already known. The 100% modulus of elasticity simply refers to the elasticity of an object in its unstretched/unstressed state. The 300% modulus of elasticity refers to the elasticity of the object when stretched to three times its original state. There is nothing mysterious about these well known terms. Therefore, further description of those terms known in the art is not warranted. With respect to the various moduli of elasticity referred to above, the Applicants respectfully submit that such disclosure was directly, word-for-word disclosed in the Applicants' original Specification and, therefore, inherently supports the limitations set forth in various of the claims. Withdrawal of that rejection is respectfully requested.

With respect to the additional terminology concerning the garment having a molded shape to fit over in a life-like way external surfaces of at least a portion of a doll that has articulated limbs, the Applicants respectfully submit that such disclosure is clearly present in the Application when taken as a whole. All one of ordinary skill in the art needs to do is to look at the Figures to make this determination. Moreover, the "life-like way" was taken directly from the Specification as originally filed and obviously, to one of ordinary skill in the art, is applied to external surfaces of at least a portion of a doll. Again, there is no great mystery here and one of ordinary skill in the art can easily glean from the Applicants' original disclosure that the claimed language wherein the doll's garment has molded shape to fit over in a life-like way external surfaces of at least a portion of a doll that has articulated limbs is clearly supported. Withdrawal of the §112, first paragraph rejection is respectfully requested.

With respect to the phrase "in a life-like way/manner," Claim 38 has been amended so that it is consistent with the remaining claims.

The Applicants have amended the independent claims to recite that the elastomeric material has a through hole to accommodate passage of a doll's head or limb(s). Support may be found in various of the Applicants' Drawings/Figures. Entry into the Official File and consideration on the merits is respectfully requested.

The Applicants acknowledge the rejection of Claims 1 – 23, 25 – 26, 28 and 30 – 34 under 35 U.S.C. §103 over the hypothetical combination of Gross, Wion and O'Brian with Kramer. The Applicants respectfully submit that Kramer does not disclose "most of the elements of these claims" as set forth in the Official Action. However, the Applicants fully agree that Kramer does not disclose an injection-molded thermoplastic elastomer doll's garment and a doll having articulated limbs. Also, the Applicants agree that Kramer does not disclose a finish selected from the group consisting

of paint, varnish and glitter, the garment is 8 cm in height or a playset including a doll, wherein the doll is articulated in a joint selected from the group consisting of shoulders, elbows, knees, neck and hips.

The Applicants do not agree that O'Brian teaches the concept of providing elastic injection molded thermoplastic elastomer doll's garments. The Applicants have carefully examined every word of the O'Brian text and do not see the word "injection" in any location of that disclosure. Accordingly, O'Brian inherently fails to disclose, teach or suggest injection molded thermoplastic elastomer. Accordingly, hypothetically combining O'Brian with Kramer still fails to disclose, teach or suggest an injection molded thermoplastic elastomer.

The same applies to "elastomer." The Official Action helpfully refers to column 3 at lines 54-56 to support the notion that O'Brian discloses an injection molded thermoplastic elastomer. Unfortunately, that text does not support the disclosure of an elastomer. The fact that that text discloses a thermoplastic material in no way means that it discloses, teaches or suggests an elastomer. Thermoplastic materials are soft when warm and hard when cool by definition. However, that in no way makes them elastic. Elasticity is a completely different concept and physical phenomenon than plasticity. Plastic merely refers to the ability to be molded or modeled whereas elastic refers to the ability to recover size and shape after deformation or being easily stretched or expanded and then resuming the former shape. Reference to Webster's Dictionary makes this abundantly clear. The fact that Kramer mentions a modulus of elasticity of less than 750 psi means to those of ordinary skill in the art that the Kramer pieces are flexible, not elastic or stretchable. The Applicants accordingly respectfully submit that O'Brian fails to either explicitly or implicitly disclose teach or suggest "injection" and "elastomer" both of which terms are explicitly recited in the Claims. Therefore, even if one of ordinary skill in the art hypothetically combines

O'Brian with Kramer, there is still no disclosure, teaching or suggestion of an injection molded thermoplastic elastomer as admittedly not disclosed by the Examiner in Kramer. The reliance on the word "resilient" is erroneous since that word is not at issue in any of the claims.

Moreover, one of ordinary skill in the art would not make the hypothetical combination of O'Brian with Kramer in the first place. Kramer is directed to clothing items that are essentially two dimensional, i.e. planar, while O'Brian is directed to "snap-on" clothing items. These have nothing to do with one another and operate under completely different theories of how to place clothes into a selected, desired position with respect to a doll or doll like shape. Kramer relies of the surface tension created by the presence of water, while O'Brian relies on the "snap-on" feature. These are completely different approaches that would not cause one of ordinary skill in the art to make the hypothetical combination.

In any event, both approaches are unlike that recited in the solicited claims and are nothing like the approach taken by the Applicants. The Applicants' injection molded thermoplastic elastomer doll's garments are sized and shaped to fit over dolls in a life-like way. In other words, the doll's garments of the invention are donned in the same fashion that real people don their clothes. For example, jackets are donned "arms first" and dresses, trousers and skirts are "stepped into." This is not the case with Kramer which relies on surface tension supplied by the presence of water and is not the case in O'Brian which "snaps on" its hard plastic pieces. As a consequence, one of ordinary skill in the art would have no incentive to make the hypothetical combination. In any event, both references fail to disclose, teach or suggest the claimed flexible and elastic injection molded material sized and shaped to be donned in a life-like way. There is simply no such disclosure in either reference.

Further hypothetically combining Gross or Wion with the primary or secondary reference fails to cure the fatal deficiencies already described with respect to the primary and secondary references. Accordingly, the Applicants respectfully request withdrawal of the rejection.

The Applicants acknowledge the rejection of Claims 38 – 51 under 35 U.S.C. §103 over the hypothetical combination of O'Brian, Yasuda, Gross or Wion with Kramer. In that regard, the Applicants note that Kramer is utterly inapplicable for the reasons set forth above in detail. Similarly, O'Brian is utterly inapplicable. Unfortunately, Yasuda fails to provide teachings or suggestions that satisfy the deficiencies of the original combination of O'Brian with Kramer. Unlike O'Brian, Yasuda mentions injection molding. Such mention may be found at Column 5 in the paragraph beginning at line 40. However, injection molding is not mentioned in a context that is applicable in the hypothetical combination. Specifically, Yasuda refers to injection molded resin layers such as the layers 2A, 3 and 2B as shown in Figs. 1 – 9. Those injection molded layers/articles are then laminated with other films to form a resulting resin molded article. However, that is not what the Applicants do and not what the Applicants claim. The Applicants' garments are actually injection molded thermoplastic elastomer. Moreover, one of ordinary skill in the art would have no comprehension as to whether the laminate (not the layers) is elastic as claimed. It would be nothing more than speculation to say that Yasuda laminates are elastic (as opposed to just being bendable).

The Applicants respectfully submit that hypothetically combining Yasuda with either or both of O'Brian and Kramer still fails to teach or suggest the invention as recited in Claims 38 - 51. The disclosure of Yasuda is nonenabling with respect to whether the laminates would have any application to dolls having articulated limbs. There is utterly no disclosure on this point. The Yasuda disclosure is limited to a very brief reference to the fact that the laminates can have fabric

bonded to the outmost resin layer to have a soft texture and a unique appearance effective, for example, "clothing for dolls" or other decorative elements. (Column 8, first full paragraph.) There is no mention at all concerning the type of dolls and whether they have articulated limbs. Thus, one of ordinary skill in the art would have no incentive to make the hypothetical combination with O'Brian which relates to dolls that do not have articulated limbs or to Kramer which also refers to planer shaped doll cutouts that do not have articulated limbs. Therefore, one of ordinary skill in the art would have no incentive to make the hypothetical combination.

In any event, even if one of ordinary skill in the art were to use the various materials disclosed by Yasuda as they apply to the specifics of Claims 38 - 51, the result would still be structures far different from those recited in Claims 38 - 51. For Example, applying the materials of Yasuda to the "clothes" of Kramer would still result in flat, planar doll's garments designed to adhere to flat, planar doll shaped cutouts disclosed by Kramer. Again, this has nothing to do with the invention as recited in Claims 38 - 51.

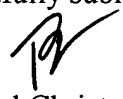
Similarly, even if one of ordinary skill in the art were to use the materials of Yasuda for O'Brian, the result would still be garments of the "snap-on" type that have nothing to do with the garments of Claims 38 - 51. In fact, one of ordinary skill in the art might very well likely hesitate to substitute the materials of Yasuda for the specific materials disclosed by O'Brian because substitution of such materials might destroy the "snap-on" ability of those garments as contemplated by O'Brian.

In any event, hypothetically combining Yasuda with O'Brian and Kramer would still fail to teach or suggest flexible and elastic garments adapted to be fitted, dressed and removed from a garment in a life-like way when the doll has articulated limbs. Withdrawal of rejection of Claims 20 and 29 based on Yasuda, O'Brian and Kramer is respectfully requested.

The Applicants enclose an Information Disclosure Statement including a Form PTO-1449, together with copy of a publication cited therein. Entry into the Official File is respectfully requested. The Applicants also respectfully request that the PTO-1449 form be marked to indicate such consideration.

In light of the foregoing, the Applicants respectfully submit that the entire Application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750

TDC:lh
(215) 656-3381